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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2059/95**of 28 August 1995****repealing Regulation (EC) No 1498/95 concerning the stopping of fishing for haddock by vessels flying the flag of the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21 (3) thereof,

Whereas Commission Regulation (EC) No 1498/95⁽²⁾ stopped fishing for haddock in the waters of ICES divisions I, II a, b (Norwegian waters north of 62 °N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom;

Whereas, on 3 August 1995, France transferred to the United Kingdom 210 tonnes of haddock in the waters of ICES divisions I, II a, b (Norwegian waters north of 62 °N) whereas fishing for haddock in the waters of ICES

divisions I, IIa, b (Norwegian waters north of 62 °N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom should therefore be permitted; whereas consequently it is necessary to repeal Regulation (EC) No 1498/95,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1498/95 is hereby repealed.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 147, 30. 6. 1995, p. 4.

COMMISSION REGULATION (EC) No 2060/95

of 29 August 1995

on the issuing of export licences for fruit and vegetables with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1363/95⁽²⁾, and in particular Article 26 thereof,

Having regard to Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables⁽³⁾, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 1489/95⁽⁴⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1488/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantities of 3 758 tonnes of tomatoes, 205 tonnes of hazelnuts in shell, 84 tonnes of walnuts in shell, 633 tonnes of oranges, 2 077 tonnes of lemons, 7 260 tonnes of apples, and 2 609 tonnes of peaches and nectarines in Annex I to Regulation (EC) No

1489/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1488/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 25 August 1995; whereas a reducing factor should accordingly be applied to the quantities of tomatoes, hazelnuts in shell, walnuts in shell, oranges, lemons, apples and peaches and nectarines applied for on 25 August 1995, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for the tomatoes, hazelnuts in shell, walnuts in shell, oranges, lemons, apples and peaches and nectarines for which applications are submitted on 25 August 1995 under Article 1 of Regulation (EC) No 1489/95 shall be issued for respectively 16,96 %, 92,97 %, 55,62 %, 13,05 %, 32,73 %, 12,88 %, and 88,23 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above products submitted after 25 August 1995 and before 25 October 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 30 August 1995.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽⁴⁾ OJ No L 145, 29. 6. 1995, p. 75.

COMMISSION REGULATION (EC) No 2061/95
of 29 August 1995

**establishing the standard import values for determining the entry price of
certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 August 1995.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 29 August 1995 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 35	052	42,4	0808 10 92, 0808 10 94, 0808 10 98	512	186,0
	060	80,2		600	86,1
	066	41,7		624	103,7
	068	32,4		999	112,4
	204	50,9		039	79,3
	212	117,9		064	70,5
	624	75,0		388	54,5
	999	62,9		400	66,8
				508	68,4
0707 00 25	052	63,1	0808 20 57	512	68,4
	053	166,9		524	54,6
	060	61,0		528	60,4
	066	53,8		800	97,0
	068	60,4		804	82,2
	204	49,1		999	70,2
	624	207,3		052	77,2
	999	94,5		388	79,6
				512	89,7
0709 90 79	052	55,6	0809 30 41, 0809 30 49	528	84,1
	204	77,5		800	55,8
	624	196,3		804	112,9
	999	109,8		999	83,2
0805 30 30	388	64,0		052	56,5
	512	87,4		220	121,8
	524	57,4		624	106,8
	528	65,0		999	95,0
	600	54,7	0809 40 30	064	72,8
	624	78,0		066	70,5
	999	67,8		068	70,9
0806 10 40	052	96,1		624	152,8
	066	49,4		999	91,8
	220	110,8			
	400	135,0			
	412	132,4			

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

COMMISSION REGULATION (EC) No 2062/95

of 29 August 1995

determining the percentage of quantities covered by applications for export
licences for eggs which may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Community,

Having regard to Commission Regulation (EC) No
1371/95 of 16 June 1995 laying down detailed rules for
implementing the system of export licences in the egg
sector⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Regulation (EC) No 1371/95 provides for
specific measures where applications for export licences
concern quantities and/or expenditure which exceed the
normal trade patterns or where there is a risk that they
will be exceeded, taking account of the limit referred to in
Article 8 (12) of Council Regulation (EEC) No 2771/75⁽²⁾,
as last amended by the Act of Accession of Austria,
Finland and Sweden, and by Regulation (EC) No
3290/94⁽³⁾, and/or the corresponding expenditure during
the period in question;

Whereas the market for certain egg products is affected
by uncertainties; whereas the refunds currently applicable
for these products could lead to applications being made
for export licences for speculative purposes; whereas
there is a risk that the issue of certificates for the quanti-
ties applied for from 21 to 25 August 1995 may lead to
the quantities corresponding to the normal trade patterns
for the products concerned being exceeded;

Whereas applications for which export licences have not
yet been granted should be rejected for the products

concerned and acceptance coefficients applying to the
quantities requested should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for eggs submitted
pursuant to Regulation (EC) No 1371/95 shall be dealt
with as follows:

1. for applications from 21 to 25 August 1995, 100 % of
the quantities applied for in the case of categories 1
and 2 referred to in Annex I to the abovementioned
Regulation shall be accepted;
2. for applications from 23 to 25 August 1995, 100 % of
the quantities applied for in the case of categories 3, 4,
5 and 7 referred to in Annex I to the abovementioned
Regulation shall be accepted;
3. for applications from 23 to 25 August 1995, 6 % of the
quantities for category 6 referred to in Annex I of the
abovementioned Regulation shall be accepted.

Article 2

This Regulation shall enter into force on 30 August 1995.

This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 29 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 133, 17. 6. 1995, p. 16.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽³⁾ OJ No L 349, 31. 12. 1994, p. 105.

COMMISSION REGULATION (EC) No 2063/95

of 29 August 1995

amending representative prices and additional duties for the import of certain products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2021/95 ⁽⁵⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 August 1995.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁵⁾ OJ No L 197, 22. 8. 1995, p. 12.

ANNEX

to the Commission Regulation of 29 August 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,15	4,23
1701 11 90 ⁽¹⁾	24,15	9,46
1701 12 10 ⁽¹⁾	24,15	4,04
1701 12 90 ⁽¹⁾	24,15	9,03
1701 91 00 ⁽²⁾	32,65	8,91
1701 99 10 ⁽²⁾	32,65	4,54
1701 99 90 ⁽²⁾	32,65	4,54
1702 90 99 ⁽³⁾	0,33	0,33

⁽¹⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2064/95

of 29 August 1995

amending Regulation (EEC) No 1201/89 laying down rules implementing the system of aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1533/95⁽¹⁾,

Having regard to Council Regulation (EEC) No 1964/87 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece⁽²⁾, as last amended by Regulation (EC) No 1553/95, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81⁽³⁾, and in particular Article 11 (1) thereof,

Whereas, as a result of the major adjustments made to the system of aid for cotton by Regulations (EC) No 1553/94 and (EC) No 1554/94, it is necessary to make the amendments arising therefrom to Commission Regulation (EEC) No 1201/89⁽⁴⁾, as last amended by Regulation (EEC) No 2046/93⁽⁵⁾;

Whereas Regulation (EC) No 1554/95 introduces changes to the method for calculating the world market price for unginned cotton, in particular by providing that it be determined on the basis of the historical relationship between the world price determined for ginned cotton and that calculated for unginned cotton; whereas the coefficient which represent the historical relationship should be fixed; whereas the calculation method should also be adapted to take account of the fact that the average of the offers and quotations is to be recorded for cotton delivered cif at a northern European port and not at Piraeus, save in exceptional cases; whereas certain provisions for determining the world market price are no longer applicable and may be abolished;

Whereas, as a result of the adjustments to the aid system, an advance on the aid is to be paid from 16 October following the start of the marketing year, and the balance is to be paid before the end of the marketing year once actual production has been determined and any adjust-

ments to the aid amount as referred to in Article 2 (3) and (4) of Regulation (EEC) No 1964/87 have been made; whereas, consequently, it is no longer necessary for the amount of the aid to be fixed regularly; whereas provision should be made for the fixing, not later than 15 July, of the aid amounts applicable for each period corresponding to that for which a world market price has been determined; whereas a time limit should also be laid down for determining the advance;

Whereas, in order to allow actual production to be determined before the end of June, the period within which the aid applications are to be lodged should be shortened to the end of April; whereas provision should be made so that lodgement of the aid application shortly after the closing date does not result in the aid being totally forfeited;

Whereas Article 2 (4) of Regulation (EEC) No 1964/87 provides for an increase in the aid where certain conditions are fulfilled and up to certain maximum limits; whereas rules should be laid down for determining this increase; whereas provision should also be made for the communication by the Member States of additional information required for verifying that the conditions are fulfilled;

Whereas Article 5 (6) of Regulation (EC) No 1553/95 lays down that the quantity of cotton for which the aid is paid is to be calculated on the basis of the percentage of ginned cotton produced from the quantity of unginned cotton; whereas, therefore, the qualitative analysis of each consignment of unginned cotton and the adjustment of their weight are no longer necessary; whereas provision should be made for the notification by the ginner of the quantity of ginned cotton produced from each quantity of unginned cotton taken into supervised storage; whereas the method for determining the weight of ginned cotton should be established by providing in particular for sample checks and for the adjustment rate in relation to the grade recorded;

Whereas Article 7 of Regulation (EC) No 1554/95 lays down that, where the quality of the cotton delivered differs from the standard quality, the price agreed is to be adjusted proportionally to that difference by common consent between the contracting parties; whereas this requirement should be provided that the Member States verify the proportional nature of such adjustments; whereas the contract should also include the terms of payment since the ginner receives the balance of the aid only at the end of the marketing year;

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽³⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ No L 185, 28. 7. 1993, p. 19.

Whereas certain references to Council Regulation (EEC) No 2169/81⁽¹⁾ which has been repealed should be changed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Flax and Hemp,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1201/89 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. The world market price for unginned cotton shall be determined once a month so that it may come into effect on the first day of the month following the date of fixing. However, if the market situation changes significantly, the said price may be changed in the intervening period.

2. The price, fixed per 100 kilograms, shall be equal to a percentage of the world market price for ginned cotton determined in accordance with Article 2.

This percentage shall be set at:

- 20,6 if the price is less than ECU 110 per 100 kilograms,
- 23,0 if the price is ECU 110 or more but less than ECU 130 per 100 kilograms,
- 24,4 if the price is ECU 130 or more per 100 kilograms.

3. The Commission shall communicate to the Member States the price fixed per 100 kilograms of unginned cotton, as soon as that amount is fixed, and in any case before the date of its coming into force.'

2. Article 2 is replaced by the following:

'Article 2

1. In determining the world market price for ginned cotton the Commission shall establish an average of the offers and quotations obtaining on one or more European exchanges for cotton delivered cif originating in various supplier countries regarded as the most representative in international trade for shipments to be made during the nearest in date and concerning the marketing year for which the price is determined.

2. Where the offers and quotations relate to:

- (a) ginned cotton of a quality other than the quality for which the guide price was fixed, they shall be adjusted as shown in Annex A;

(b) cotton delivered c and f, they shall be increased by 0,2 % to take insurance costs into account;

(c) cotton delivered fas, fob or otherwise, they shall be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; only the lowest costs shall be taken into account.

3. Where the world market price cannot be determined in accordance with paragraph 1, the second subparagraph of Article 4 (2) of Regulation (EC) No 1554/95 shall apply.

The offers and quotations taken into account shall be increased by ECU 1 304 per 100 kilograms to take account of unloading and forwarding costs at Piraeus.

Whereas the offers and quotations relate to cotton delivered cif to a frontier crossing point other than Piraeus, they shall be adjusted on the basis of the difference in transport and insurance costs as against cotton delivered cif at Piraeus. Paragraph 2 shall also apply.'

3. Articles 3 and 4 are deleted.

4. Article 5 is replaced by the following:

'Article 5

1. Not later than 15 July the Commission shall fix the amount of aid for unginned cotton applicable for each period for which a world market price has been determined in accordance with Article 1 (1).

2. The amount of the advance referred to in Article 5 (3) of Regulation (EC) No 1554/95 shall be determined before 1 October of the current marketing year.

3. Without prejudice to Articles 5 (2) and 6 of Regulation (EC) No 1554/95 and Article 6 of this Regulation, the aid to be granted shall be that which is valid on the day the application for aid referred to in Article 7 of Regulation (EC) No 1554/95 is lodged in accordance with Article 7 of this Regulation.

However, if the aid application is lodged:

- between 1 and 15 May of the marketing year for which the aid is applied for, the aid to be granted shall be that valid on the preceding 30 April, less 50 %,
- after 15 May of the said marketing year, the aid application shall be rejected.'

5. Article 6 is replaced by the following:

'Article 6

The increase in the amount of the aid, provided for in Article 2 (4) of Regulation (EEC) No 1964/87, shall be established as follows:

⁽¹⁾ OJ No L 211, 31. 7. 1981, p. 2.

- (a) the difference between the total budgetary expenditure on the aid system established after Article 2 (3) of Regulation (EEC) No 1964/87 has been applied and ECU 770 million shall be divided by the combined actual production of the Member States whose actual production exceeds the GNQ. The increase shall be equal to the result obtained except where (b) is applied and shall be without prejudice to the second subparagraph of Article 2 (4) of Regulation (EEC) No 1964/87;
- (b) if the actual production in Spain and Greece exceeds the GNQ and if in one of those Member States the aid amount increased pursuant to (a) exceeds one of the ceilings fixed in the second subparagraph of Article 2 (4) of Regulation (EEC) No 1964/87, the aid amount applicable in that Member State shall be equal to that provided for at the lowest ceiling. The aid amount applicable in the other Member State shall be equal to the amount increased pursuant to (a) plus that proportion of the increase of the first Member State exceeding the aforementioned ceiling, in compliance with the second subparagraph of Article 2 (4) of Regulation (EEC) No 1964/87.
6. In Article 7 (1) the date '31 July' is replaced by '30 April'.
7. In the second subparagraph of Article 9 (2) the words 'and analysed in accordance with Article 12 (5)' are deleted.
8. In Article 9 (2) the following subparagraph is inserted:
- 'Member States shall take the necessary measures to ensure that the unginned cotton entering ginning plants is of sound, fair and merchantable quality. Member States shall refuse the placing into supervised storage of the quantities which do not meet these standards.'
9. Article 9 (6) is deleted.
10. Article 9 (8) is replaced by the following:
- '8. As soon as the unginned cotton is taken into supervised storage, Member States shall, on request, grant those concerned an advance on the aid, provided a security at least equal to 110 % of the advance is lodged. The amount of the advance shall be calculated on the basis of the quantities taken into supervised storage. The security shall take one of the forms provided for in Article 8 of Regulation (EEC) No 2220/85. The security shall be forfeited to the amount by which the advance paid exceeds the amount of the aid to be granted.'
11. Article 9 (9) and (10) are deleted.
12. Article 10 (2) (f) (2) is replaced by the following:
- '(2) the price is subject only to the adjustments determined by common consent which are proportional to the difference in quality in relation to the standard quality.'
13. Article 10 (2) (g) is replaced by the following:
- '(g) a clause providing that, should Article 6 of Regulation (EC) No 1554/95 and, where appropriate, Article 6 of this Regulation be applied, the agreed price for a product of standard quality will be reduced by the amount by which the aid will be reduced;'
14. To Article 10 (2) the following point (i) is added:
- '(i) the terms of payment and in particular the time limit for payment of the selling price.'
15. Article 11 is replaced by the following:
- 'Article 11*
- Within 120 days of its entry into supervised storage and in any case before 20 May of a given marketing year, the ginning plant shall notify the Member State of the quantity of ginned cotton produced from the quantity of unginned cotton taken into supervised storage. The quantity of ginned cotton shall be established in accordance with the method set out in Annex B.'
16. The following words are added to Article 12 (1) (b):
- 'and the proportional nature of any adjustment thereto. A reduction of the agreed price can be considered disproportional only if the reduction indicated in the contract to take account of the difference in the delivered cotton's fibre length or grade in relation to those parameters for cotton of standard quality is clearly unreasonable in terms of the real depreciation in value of the cotton delivered;'
17. Article 12 (1) (d) is replaced by the following:
- 'the accuracy of the data communicated by the ginning plants in accordance with Article 11.'

18. Article 12 (1) (e) is replaced by the following :

'(e) that the stock records provided for in Article 7 (2) of Regulation (EC) No 1554/95 have been kept in accordance with Article 13 of this Regulation. In particular, it shall verify that the invoices and other documents referred to in the second indent of Article 13 have been signed by identifiable suppliers who can justify to the satisfaction of the Member State concerned the origin of the unginning cotton and the reference to the declaration of areas sown and that they indicate a price at least equal to the minimum price, corrected where appropriate to take account of the quality delivered.'

19. Article 12 (5) is deleted.

20. At the beginning of Article 13, the words 'Article 6 (2) of Regulation (EEC) No 2169/81' are replaced by 'Article 7 (2) of Regulation (EC) No 1554/95'.

21. In Article 13, a new first indent is inserted as follows :

'— the quantity of ginned cotton produced by reference to the consignments of unginning cotton taken into supervised storage.'

22. The following subparagraph is inserted in Article 14 (1) :

'Where the world market price of unginning cotton change in the course of a month, the data specified in (b) shall be broken down for each period in respect of which a different world market price applies. The data specified in the third indent of (d) shall be broken down by the same periods as apply in the case of (b).'

23. Annex B is replaced by the Annex to this Regulation.

24. Annex C is deleted.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from the 1995/96 marketing year.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

ANNEX B

Determination of the weight of a consignment of ginned cotton

1. A consignment of ginned cotton means a quantity of ginned cotton produced from a given consignment or consignments of unginned cotton taken into supervised storage.
2. Without prejudice to point 4, the weight as such of a consignment of ginned cotton is to be increased by 0,6 % for each half-point of moisture below 4 % and reduced by the same percentage for each half-point of moisture above 8,5 %.

The moisture content of a consignment:

- is established by the inspection agency appointed by the Member State by the taking of samples which must relate to at least 5 % of the consignment produced by each ginning plant or,
- is equal to the average moisture content recorded for each ginning plant as a result of the taking of samples referred to in the first indent if the consignment in question has not been sampled. This moisture content is to be communicated to the ginning plant by the inspection agency.

3. Without prejudice to point 4, the weight as such of a consignment of ginned cotton is to be adjusted as follows:

1. for consignment the grade of which is determined by the inspection agency appointed by the Member State, the table below applies:

Grade	% by which the weight is adjusted
5 or lower	—
5,5	less 0,5
6	less 1
6,5	less 1,5
7	less 2
7,5	less 2,5
8	less 4
8,5 or higher	less 5

2. for the consignments for which a grade is not established by the inspection agency appointed by the Member State, the weight as such is adjusted by taking into account the average impurity content recorded for each ginning plant on the basis of the samples taken by the inspection agency which must relate to at least 5 % of the consignments for which a grade is not established. This impurity content is to be communicated to the ginning plant by the inspection agency.

The weight as such is to be reduced by 0,6 % for each half-point of impurities the average of which exceeds 2,5 %.

4. However, if the ginned cotton is not stored under normal storage conditions, in particular if it is not kept in a dry place or if the moisture content of the outer layers of the bale exceeds the limits practised by the trade, the determination of weight as described above can proceed only after the limits practised by the trade are complied with.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 July 1995

laying down the animal health conditions and the certification requirements for the importation from third countries of *Crassostrea gigas* for relaying in Community waters

(Text with EEA relevance)

(95/352/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by the Act of Accession of Austria, Sweden and Finland, and in particular Articles 19 (4), 20 and 21 thereof,

Whereas *Crassostrea gigas* is the main oyster species farmed in the Community thus representing an important economic factor and an important source of income for persons working in the aquaculture sector;

Whereas certain diseases exotic to the Community prevail in third countries which could, when introduced in the Community, have devastating effects for the oyster growing sector;

Whereas the introduction of such diseases must be prevented;

Whereas the risk of introducing diseases is highest when introducing oysters for relaying in Community waters; whereas, in the absence of appropriate disinfection methods for residual water of holding and purification tanks for oysters, the same risk exists when introducing oysters which are temporarily kept in such facilities before consumption on the territory of the Community;

Whereas therefore the animal health conditions, the veterinary certificates and the third countries from which *Crassostrea gigas* can be introduced for relaying must, awaiting information on the zoosanitary situation and on the organization of the inspection services of third countries not yet listed, be a provisional one;

Whereas the inadvertent importation of other mollusc species in consignments of *Crassostrea gigas* is a considerable disease risk; whereas consignments must be checked before dispatch to avoid this;

Whereas this Decision shall apply without prejudice to the public health conditions established under Directive 91/492/EEC laying down the health conditions for the production and the placing on the market of live bivalve molluscs⁽²⁾;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall authorize imports of molluscs belonging to the species *Crassostrea gigas* for relaying in

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 1.

Community waters, or for reimmersion in purification centres in contact with Community waters, from the countries listed in Annex I, provided that:

1. the following import conditions are met:

- (a) they must have been submitted on the day of loading to a check in order to verify whether they satisfy the requirements laid down in Article 3, point 1 of Directive 91/67/EEC;
- (b) they must have been raised during their entire life cycle and have been harvested in the national waters of the country of origin;
- (c) they must originate in a zone which has been declared free, by the competent authority, of the diseases *Mikrocytos mackini* and Oyster Velar Velum Disease, in accordance with the sampling procedures and diagnostic methods laid down in Annex II and in which there are no other significant diseases of bivalve molluscs excluding marteiliosis (*Marteilia refringens*) and bonamiosis (*Bonamia ostreae*);

(d) they must, before loading, have been checked for the absence of bivalve molluscs of any other species in accordance with the procedures laid down in Annex III.

2. they are accompanied by an animal health certificate the model of which is laid down in Annex IV.

Article 2

This Decision shall apply from 1 October 1995.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Provisional list of third countries from which imports of *Crassostrea gigas* intended to be relaid in the Community are authorized

- (AU) Australia
 - (CA) Canada
 - (NZ) New Zealand
 - (US) United States of America
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ANNEX II

Sampling procedures and diagnostic methods for declaring a zone free of the diseases *Mikrocytos mackini* and Oyster Velar Disease (iridoviroses)

A. SAMPLING METHODS

1. SAMPLING

1.1. Sampling points

For each zone referred to, a number of sampling points must be selected so as to maximize the chances of detecting pathogens. Account must be taken of parameters having an effect on the development of the pathogenic agents, such as stocking density, water flows, and the development cycle of the molluscs.

For a given zone at least three sampling points must be selected. The number of points must be increased for large zones containing several discrete areas of cultivation of the susceptible species.

Whenever possible, at least one sample must be taken from natural beds. Any molluscs showing abnormalities (abnormal growth, gaping shells) must be selected.

1.2. Sampling period and frequency

The frequency of inspection is based on the infection period, and inspections have to take place thereafter. Inspection periods must also take account of the transfer of molluscs, which generally takes place in spring and autumn. Sampling should therefore be carried out twice a year (spring/autumn) for *Mikrocytos* and for *iridovirus*.

1.3. Sampling size

During the initial two-year period which precedes the granting of approved status, the sample size for each sampling point is 150 or a sufficient number to ensure detection at a 95 % confidence level of pathogen carriers at a prevalence of 2 %.

2. SHIPMENT OF SAMPLES

All molluscs sampled must be delivered to the approved laboratory within 24 hours after sampling. They must be packed in accordance with current standards in order to keep them in good condition. A label clearly stating the place of sampling and the health history (if any) must be attached to the sample.

3. MACROSCOPIC EXAMINATION

The molluscs must be opened carefully so as not to damage the tissues, in particular the mantle, gills, heart and digestive gland. Anomalies and lesions of the tissues, as well as any shell deformities, shell-boring organisms and conspicuous mantle inhabitants, must be noted.

4. EXAMINATION OF STOCKS WHERE ABNORMAL MORTALITIES OCCUR

Whenever abnormal mortalities occur in stocks of bivalve molluscs an urgent investigation must be carried out to determine the aetiology. In field, an abnormal mortality is a sudden sizeable mortality which occurs in a short time between two observations during low tide cycle. In hatchery a mortality is considered abnormal when the farmer cannot obtain larvae during a period which included successive spawns from different broodstocks. In nursery a mortality is considered abnormal when a sudden sizeable mortality occurs in a short time on many tubes.

The sample taken must consist of 150 individual oysters and must be handled in accordance with the procedure defined for histological analysis. This technique must be used initially, before any other type of examination. The samples are fixed, preferably in Carson's fixative, which allows re-use of the sample for electron microscopy.

B. DIAGNOSTIC METHODS

(a) *Mikrocytos mackini*

1. PREPARATION AND EXAMINATION OF SAMPLES FOR MIKROCYTOSIS

1.1. Cytological examination

Cut a section through the abscesses, ulcers or green pustules, remove the excess water by placing the sample on blotting paper, then blot on a slide the sample corresponding to the section which passes through the infected tissue. The slides are dried in air and then fixed with methanol (2 to 3 minutes).

The slides are stained using any equivalent Wright-Giemsa stain (e.g. Merck's Hemacolor Kit or Baxter's Diff-Quick) in accordance with the manufacturer's instructions. Dip the slides in the first bath for 4 to 5 seconds, then immerse immediately in the second bath (3 seconds). Rinse with tap water, dry completely in cold or warm air, and mount in synthetic resin (Eukitt).

The parasite, 1-3 μm in diameter, appears included in haemocytes or free of the host cells and has blue cytoplasm and a small red nucleus. An observation time of 5 minutes per slide is sufficient.

1.2. Histological examination

For histological sections, cut a section through the body of the oyster including pustules, abscesses and ulcers if any are present. Then place the sample in a fixative liquid such as Davidson's, Bouin's or Carsons's. The last-named enables the samples to be reused for electron microscopy if necessary. The ratio of volume of tissue to volume of fixative must be no more than 1 : 10.

The samples are subsequently handled in accordance with the classical histological methods. Several non-specific stains allow *Mikrocytos* to be observed : haemalum-eosin, Masson's trichrome. These examples are not exhaustive. It is recommended that two sections per oyster be examined.

The stages of *Mikrocytos*, intracellular parasite 2/3 μm in diameter can be observed inside cells of the vesicular connective tissue on the periphery of the lesions, in muscle cells and in hemocytes within the lesions.

(b) *Oyster Velar Disease*

1. PREPARATION AND EXAMINATION OF SAMPLES FOR IRIDOVIRUS

1.1. Cytological examination

Cut the digestive gland and gills along a sagittal plane, soak up excess water by applying absorbent paper, then press that part of the cut sample which passes through affected organs against a glass slide. The slides are dried in air and then fixed with methanol (2 to 3 minutes).

The slides are stained using Merck's Hemacolor Kit (with reagent solution 2 (ref. 11956) for red staining and reagent solution 3 (ref. 11957) for blue staining). Dip the slides in the first bath for 4 to 5 seconds, then immerse immediately in the second bath (3 seconds). Rinse with tap water, dry completely in cold or warm air, and mount in synthetic resin (Eukitt).

It is sufficient to examine each slide for 5 minutes.

The cytoplasm of infected cells stains blue, and it contains a weakly-staining red nucleus and an inclusion body, variable in size, stained bright red.

1.2. Histological examination

Cut the visceral mass and the gills with small scissors along a sagittal plane, and place the sample in a fixative (Davidson's, Bouin's or Carson fluid); the last-named is suitable for samples which may be examined later by electron microscopy if necessary. There should be at least 10 parts of fluid to every part of sample by volume.

The samples are then treated by conventional histological procedures.

Many non-specific stains show up iridoviral inclusion bodies : haemalun-eosin, Masson's trichrome and others. Two sections from each oyster should be examined.

Ciliated velar epithelium with intracytoplasmic inclusion bodies (1,2 to 2,4 μm diameter) which are spherical, dense and basophilic in early stage infections but become irregular and less basophilic as virion form. Inclusions bodies occasionally occur in velar supporting esophageal and oral epithelia and rarely in mantle epithelium.

1.3 Electron microscopy

Velar epithelial cells with viroplasm (observed as inclusion bodies in histology) that form the viral particles. Viral particles with icosahedral symmetry (228 ± 7 nm diameter) and with a capsid consisting of two bilayered membranes. Complete viral particles have a dense inner core separated from the capsid by moderately dense zone.

ANNEX III

1. For each consignment a visual check of at least 1 000 oysters randomly selected for each place of origin shall be carried out by the competent authority.
 2. The batch will pass the test if the check referred to in point 1 does not reveal the presence of molluscs other than *Crassostreas gigas*.
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ANNEX IV

MODEL

ANIMAL HEALTH CERTIFICATE

for the importation of *Crassostrea gigas* into the European Community

Note for the importer: this certificate is only for veterinary purposes and the original must accompany the consignment until the border inspection post of entry into the Community.

Reference No :

Exporting country :

Official service (Ministry, Department) :

I. Origin of the oysters

Part of the country of origin :

Farm of origin :

name :

address :

Consignor :

II. Description of the consignment

Net weight :

No of units :

Medium size of the oysters :

III. Destination of the consignment

Member State of destination :

Place of destination :

Consignee :

name :

address :

IV. Means of transport (description and identification)

.....
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.....
.....

V. Health attestation

I, the undersigned representative of the official authority, hereby certify that the oysters belonging to the present consignment:

1. — have been examined today and do not show clinical signs of disease,
— are not intended for destruction under a scheme for the eradication of a disease,
— do not come from a farm which is subject to a prohibition for animal health reasons and must not have been in contact with animals from such a farm;
2. have been raised and harvested in the national waters of the country of origin;
3. originate in a zone which has been declared free of the diseases *Mikrocytos mackini* and Oyster Velar Velum Disease, in accordance with the diagnostic methods and procedures laid down in Annex II of Commission Decision 95/352/EC and in which there are no other significant diseases of bivalve molluscs other than marteiliosis (*Marteilia refringens*) and bonamiosis (*Bonamia ostreae*);
4. are only of the species *Crassostrea gigas*. The consignment has been subjected to the examination set out in Annex III of Commission Decision 95/352/EC.

Done at Date
(day of loading)

Signature :

Name in capital letters, qualification and official title :


